

September 25, 1992
REPORT TO THE HONORABLE
MAYOR AND CITY COUNCIL

PROPOSED BUDGET REDUCTIONS

The City Manager has submitted a report to you today with proposed budget reductions due to the most recent State budget decisions. That report proposes additional reductions in the City Attorney's budget totaling \$743,452.00. These proposed reductions would be added to the \$1,568,000 reduction in my personnel services budget for FY 1993 (from FY 1992) which deleted 13 deputy city attorney positions and 14.75 support staff (see Attachment 1 - Vol. I, p. 83 of the FY 93-94 Proposed Budget) and an additional \$350,000 identified in City Manager Report No. 92-267 issued August 14, 1992 outlining the details of a fiscal year 1993 savings plan which included not filling 7 additional positions. The latest proposed reductions delete 6 more deputy city attorney positions and 4 more support staff positions.

It is important that you understand the impact of these budget reductions on my ability to carry out my Charter mandated duty to "perform all services incident to the legal department." Section 40 of the San Diego City Charter requires me:

To give advice in writing when so requested, to the Council, its Committees, the Manager, the Commissions, or Directors of any department, . . . to prosecute or defend, as the case may be, all suits or cases to which the City may be a party; to prosecute for all offenses against the ordinances of the City and for such offenses against the laws of the State as may be required of him by law; to prepare in writing all ordinances, resolutions, contracts, bonds, or other instruments in which the City is concerned

San Diego City Charter section 40.

All areas of my office have been weakened by these cumulative budget reductions and the effect of the proposed additional reductions will be devastating. The health and safety of the citizens of San Diego has been threatened by these reductions and the morale of my staff is at an all-time low as we are asked to do more with less but, in fact, must do less with less. The Criminal Division, an important member of the criminal justice system, has had to cut back or eliminate prosecution of certain misdemeanor crimes and delay prosecution of others. Responses to law enforcement and other agencies of the criminal justice system have been slowed or eliminated. Reductions in personnel have impacted and will further impact code enforcement. The services being reduced include sign violations, noise abatement, zoning regulation, planning and building inspection cases unless the violations constitute hazards to the public health or safety. If these latest proposed reductions are implemented the Criminal Division will further reduce these enforcement actions and discontinue the prosecution of licensing and regulatory violations.

The impact of the budget reductions already implemented in the Civil Litigation Division is expressed in detail by Chief Deputies Gene Gordon and Alan Sumption in their memorandum dated July 6, 1992, to Assistant City Attorney John Kaheny (see Attachment 2). The reduction in permanent staff in the Civil Litigation Division has threatened the City treasury by weakening our defense of lawsuits for damages. Further cuts in Civil Litigation to meet the City Manager's proposed reductions will result in no attorney representation at or review of Public Utility Commission rate hearings or applications, no representation of City departments at administrative hearings such as Civil Service and Retirement and the inability to handle large plaintiff cases for monies owed or damages to the City.

The reduction in staff in the Civil Advisory Divisions has already resulted in a delay in response to requests for advice and preparation of ordinances, resolutions, contracts and the like. Less time is available for legal research as the workload is spread among fewer deputies. Further cuts will result in a substantial reduction in legal services provided to the Police Department through the Police Legal Advisor program and a reduction or elimination of attendance at meetings of City boards, commissions and advisory committees resulting in reduced legal services.

In conclusion, I urge you to carefully consider the wisdom of further cuts to my budget. Virtually everything my office

does directly relates to the prosecution of crime or the protection of the City treasury. As other departments of the City suffer budget reductions, the need for legal services will increase. Decisions will be made in less time by fewer people increasing the potential for City liability. I had hoped that the budget reductions already experienced by my department could be absorbed through attrition and not filling positions as they become vacant. Unfortunately, such has not been the case. As we have been advised of additional reductions and proposed reductions, it has become apparent that we have to reduce the size of our staff even without further budget reductions. We have started that painful process reluctantly and it has caused us to reduce attorney staff in a manner which we did not invite and which is detrimental to the provision of legal services. It is also, of course, having a direct impact on the morale of the entire office. Finally, approval of the City Manager's proposed reductions to my budget will necessitate terminating a number of additional personnel.

Respectfully submitted,
JOHN W. WITT
City Attorney

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Attachments

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